

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET										
CR No:	17-367 JAP		USA vs.:	Cayatineto						
Date:	4/26/18		Name of Deft:	Valerie Cayatineto						
Before the Honorable:			James A. Parker							
Time In/Out:		3:23 p.m. – 4:38 p.m.		Total Time in Court (for JS10):		1 hr 15 minutes				
Clerk:		J. Gonzales		Court Reporter:		John DeLaRosa				
AUSA:		Elisa Dimas		Defendant's Counsel:		Susan Porter				
Sentencing in:		Abq.		Interpreter:						
Probation Officer:		Sandra Day		Sworn?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/> No		
Convicted on:		<input checked="" type="checkbox"/> X	Plea		Verdict	As to:		<input type="checkbox"/> Information <input checked="" type="checkbox"/> X Indictment		
If Plea:		<input checked="" type="checkbox"/> X	Accepted		Not Accepted	Adjudged/Found Guilty on Counts:				
If Plea Agreement:			Accepted		Not Accepted	No Plea Agreement		Comments:		
Date of Plea/Verdict:		5/31/17			PSR:		<input type="checkbox"/> Not Disputed <input checked="" type="checkbox"/> X Disputed			
PSR:	<input checked="" type="checkbox"/> X	Court Adopts PSR Findings			Evidentiary Hearing:		<input type="checkbox"/> Not Needed <input checked="" type="checkbox"/> X Needed			
Exceptions to PSR:										
SENTENCE IMPOSED			Imprisonment (BOP): 37 months							
Supervised Release:		3 years			Probation:				<input checked="" type="checkbox"/> X 500-Hour Drug Program	
		Court recommends ICE begin removal proceedings immediately or during service of sentence							<input type="checkbox"/> ICE not applicable	
SPECIAL CONDITIONS OF SUPERVISION										
	No re-entry without legal authorization				Home confinement for ____ months ____ days					
	Comply with ICE laws and regulation				Community service for ____ months ____ days					
<input checked="" type="checkbox"/> X	Participate in/successfully complete subst abuse program/testing				Reside halfway house ____ months ____ days					
<input checked="" type="checkbox"/> X	Participate in/successfully complete mental health program				Register as sex offender					
<input checked="" type="checkbox"/> X	Refrain from use/possession of alcohol/intoxicants				Participate in sex offender treatment program					
<input checked="" type="checkbox"/> X	Submit to search of person/property				Possess no sexual material					
	No contact with victim(s) and/or co-defendant(s)				No computer with access to online services					
	No entering or loitering near victim's residence				No contact with children under 18 years					
<input checked="" type="checkbox"/> X	Provide financial information				No volunteering where children supervised					
<input checked="" type="checkbox"/> X	Not possess psychoactive substances				<input checked="" type="checkbox"/> X	Not incur new credit charges				
<input checked="" type="checkbox"/> X	Submit to substance abuse testing				<input checked="" type="checkbox"/> X	Take all mental health medications				
OTHER:										
Fine: \$		0.00			Restitution: \$		Open for 90 days			
SPA: \$		100.00 (\$100) as to each Count			Payment Schedule:		<input checked="" type="checkbox"/> X	Due Imm.	<input type="checkbox"/>	
Waived										
OTHER:										
<input checked="" type="checkbox"/> X	Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement						
<input checked="" type="checkbox"/> X	Held in Custody			Voluntary Surrender						
<input checked="" type="checkbox"/> X	Recommended place(s) of incarceration:			FCI Carswell						
Dismissed Counts:										
				Ms. Porter objects to portion of PSR that defendant was suicidal and purposely ran her car into the victim.						
OTHER COMMENTS:				Ms. Dimas calls Navajo Nation Criminal Investigator Larry Etsitty/Sworn – conducts direct						

	<p>examination.</p> <p>Ms. Porter conducts cross examination on Mr. Etsitty.</p> <p>Ms. Dimas conducts re-direct examination of Mr. Etsitty.</p> <p>Ms. Porter calls Private Investigator Craig Martin/Sworn – conducts direct examination of Mr. Martin.</p> <p>Ms. Dimas conducts cross examination of Mr. Martin.</p> <p>Court finds that defendant was negligent and careless – evidence does not support that defendant was trying to commit suicide by running into victim's car – denies request for upward variance – denies request for downward variance.</p> <p>Defendant addresses Court.</p> <p>M. Yazzie (victim's wife) addresses Court.</p> <p>M. Yazzie (victim's brother) addresses Court.</p> <p>Ms. Porter requests self-surrender for opportunity to visit family and children before incarceration.</p> <p>Ms. Dimas opposes release.</p> <p>Court denies request for voluntary surrender.</p>
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